

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOHN DAVID FRIEND,

Petitioner,

v.

CIVIL ACTION NO. 2:22-cv-00414

SOUTHWESTERN REGIONAL JAIL,

Respondent.

ORDER

Pending before the Court are Petitioner's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241, (ECF No. 1), and Petitioner's Applications to Proceed Without Prepayment of Fees and Costs, (ECF Nos. 5 and 6). By Standing Order entered in this case on September 28, 2022, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation for disposition. (ECF No. 2.) Magistrate Judge Eifert filed her PF&R on November 3, 2022, recommending that this court deny, without prejudice, the Petition for a Writ of Habeas Corpus and deny as moot both Applications to Proceed Without Prepayment of Fees and Costs. (ECF No. 7.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th

Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on November 21, 2022. (ECF No. 7.) To date, no objections have been filed. This constitutes a waiver of *de novo* review and Petitioner’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 7). Petitioner’s Motion for a Writ of Habeas Corpus, (ECF No. 1), is **DENIED**, without prejudice. Further, Petitioner’s Applications to Proceed Without Prepayment of Fees and Costs, (ECF Nos. 5 and 6), are **DENIED** as moot. The Clerk is **DIRECTED** to remove this action from the Court’s active docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 8, 2022



THOMAS E. JOHNSTON, CHIEF JUDGE